

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KENNETH MCCLAIN, a.k.a. Kenneth)	
Reven McClain, ID # 33793-177,)	
Plaintiff,)	
vs.)	No. 3:08-CV-2217-K
RAUL A. MORENO, et al.,)	
Defendants.)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation, the Court finds that a monetary sanction payable to the Court is warranted for Plaintiff's continued abuse of the litigation process. Plaintiff shall **pay a \$500.00 sanction** to the Clerk of the Court. Until he pays that monetary sanction, he is **BARRED** from filing any future pleading or motion – civil or criminal – in this Court, except a Notice of Appeal or proper motion to proceed *in forma pauperis* on appeal in this action.

If Plaintiff attempts to file a document (other than the two noted exceptions) with this Court without paying the sanction or demonstrating that it has been paid in full, the Clerk of the Court shall docket such filing for administrative purposes only and

immediately terminate the motion or close any new case resulting from the filing after placing a copy of this order in the case file. The Court will not otherwise address or acknowledge submissions that are filed without payment of the sanction or demonstration that the sanction has been paid.

In addition, as recommended in the Findings, Conclusions, and Recommendation, Plaintiff Kenneth McClain is **HENCEFORTH PROHIBITED** from filing any document in this Court unless he has obtained leave of court through a proper motion for leave. A proper motion for leave is naturally exempt from this requirement. A proper Notice of Appeal or motion to proceed *in forma pauperis* on appeal in this action are likewise exempt. Such a motion will be titled as a “Motion for Leave of Court”, and have a copy of the proposed filing attached as an exhibit. He must submit with the motion for leave an original and a second copy of the proposed filing – neither of which will be physically attached to the motion nor made an exhibit of the motion. The original of the proposed filing must contain the original signature of Plaintiff or his retained attorney.

If Plaintiff attempts to file a document with this Court without seeking the requisite leave of court, the Clerk of the Court is directed to docket such filing for administrative purposes only and immediately terminate the motion or close any new case resulting from the filing after placing a copy of this order in the case file. The Court will not otherwise address or acknowledge submissions that are filed without leave of court.

The sanctions previously imposed against Plaintiff remain in effect, and he is **WARNED** that additional sanctions may be imposed for further abuses of the litigation

process or disregard for orders of the court. By separate judgment, the Court formally dismisses this action as frivolous as recommended by the United States Magistrate Judge.

SO ORDERED.

Signed: April 14th, 2009.



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UNITED STATES DISTRICT JUDGE